

REMARKS

Claims 1-48 are pending in the application. Claims 9-15, 24-30 and 37-43 were previously withdrawn from consideration. As a result, claims 1-8, 16-23, 31-36 and 44-48 are presently at issue in the application. Of these, claims 1, 16 and 31 are independent claims. Claim 1 is amended to more clearly recite, in line with claims 16 and 31, a process control system having a field device under the control of a controller in which a wireless communication link is disposed *between the field device and the controller*. While it is believed that claim 1 previously recited this limitation, claim 1 is amended hereby to place the clause “being under the control of the controller” immediately after the recited “at least one of the field devices,” and placing the clause “communicatively disposed between the field device and the controller” immediately after the recited “wireless communication link” to indicate the nouns which these clauses modify. While applicants submit that claim 1 previously recited the limitation of a field device under the control of a controller in which a wireless communication link is disposed between the field device and the controller, each of independent claims 16 and 31 clearly recited this limitation prior to the Final Office Action. (Moreover, applicants argued this distinction in the previous Response.) As such, no new issues are introduced by this amendment, and this amendment is merely made to place the claims in better condition for appeal, should the Examiner not be persuaded by the remarks provided below. For these reasons, this amendment should be entered.

Applicants respectfully traverse the rejection of claims 1-8, 16-23 and 31-36 as anticipated by McCain et al. (U.S. Pat. No. 6,129,449) (“McCain”). Each of claims 1, 16 and 31 specifically recites a field device being under the control of a controller and having an associated wireless communication link communicatively disposed *between the field device and the controller*. McCain does not disclose or teach a wireless communication link disposed between a field device and a controller where the field device is under control of the controller. Therefore, McCain cannot anticipate any of claims 1, 16 or 31.

In particular, while McCain discloses a host computer that communicates with a process controller via a satellite system, wherein the process controller further controls one or more field devices, McCain fails to disclose a wireless link disposed between the process controller and one of the field devices under the control of the controller. Instead, as pointed out by the Office Action, McCain discloses a wireless link between a *host computer* and a *process controller*. As known by those skilled in the art, neither a process controller nor a

host computer is a field device. Generally, a field device operates under the control of a process controller by receiving one or more control signals from the controller and/or by providing one or more measurements of physical parameters associated with the process to the controller, to thereby communicate information about or to effect a change in a physical parameter of the process. A process controller itself is not a field device because it does not act upon a physical process variable nor does it measure a physical process variable within the process. A host computer is even further removed from the functions of a field device, as the host computer does not handle any control signal, in any manner, and further, does not measure physical process variables.

Thus, while McCain discloses a process controller that connects to a field device, as pointed out by the Office Action, the process controller is not a field device, nor is the process controller communicatively connected to a field device via a wireless link. Furthermore, the only other wireless communication link taught or suggested by McCain is an infrared link between a satellite (10 and 55) and a handheld unit (17, 60 and 61). As particularly discussed in the prior Response, the handheld units (such as elements 60 and 61 in Figure 3 of McCain) are not field devices. Specifically, these handheld units are not “under the control of the controller,” and therefore, cannot be considered one of the recited field devices. Moreover, these handheld units do not measure physical parameters or perform physical functions to alter or change physical parameters within a process. In fact, McCain discloses that the handheld units are only capable of sending commands to a programmable controller, not to receive commands from the controller. Thus, McCain teaches directly away from the handheld device disclosed therein operating as field devices “under the control of the controller,” as recited by claims 1, 16 and 31.

Because the wireless link of McCain cited by the Office Action is disposed between a workstation and a process controller or between a workstation and a handheld device, rather than between a controller and a field device, as recited by each of claims 1, 16 and 31, McCain fails to disclose a field device being under the control of a controller and having an associated wireless communication link communicatively disposed between the field device and the controller. Thus, claims 1, 16 and 31 can not be anticipated by McCain. Applicants therefore respectfully request withdrawal of this rejection and allowance of each of these claims.

Applicants additionally traverse the rejection of claim 31 as anticipated by McCain for a further reason. In particular, claim 31 recites, in part, “a network for providing power to the field devices and the wireless communication links.” As previously noted in Applicants’ response of Oct. 3, 2005, McCain does not disclose that its wireless links or any field devices are powered by a network connection of any type. Moreover, the Office Action’s citation to Col. 3, line 62 – Col. 4, line 27 simply does not support the Office Action’s contention. In the previous response, Applicants pointed the failure to make a *prima facie* case of anticipation and requested that the Examiner specifically provide some showing or argument as to how McCain teaches or suggests this element of claim 31 in light of the arguments presented or to allow claim 31. Instead of providing this showing, the Examiner cites the same three paragraphs of McCain as the cited in the previous action, which simply fail to disclose any manner of providing power to a wireless link or to a field device. McCain simply does not disclose how any of its components are powered, much less specifically disclose that its components are powered via a network connection.

The Office Action further asserts that Applicants made an admission that field devices are inherently powered by a network. Applicants hereby assert that no such admission has ever been made. In fact, the specification specifically discloses that a certain type of field device (e.g., a 4-20 milliamps field device) may be powered by a control signal from a controller. This does not mean that all field devices are powered by a controller via a network connection. Furthermore, Applicants emphasize that claim 31 recites that the network that provides power to the field devices also powers the wireless communication links. Whether or not McCain discloses powering a field device via a network connection, McCain certainly fails to disclose powering wireless communication links via such a network connection, as recited by claim 31. Accordingly, Applicants again emphasize that the Office Action must point to all the claimed elements in making an anticipation rejection, and that it is improper for the Office Action to simply cite references that disclose a portion of an element and then interject that the entire element is taught. See MPEP 2143.03 (“All words in a claim must be considered in judging the patentability of that claim against the prior art.”) For at least this further reason, the Examiner has failed to make a *prima facie* case of anticipation regarding claim 31, and Applicants respectfully request withdrawal of the rejection and allowance of claim 31 for this additional reason.

Dependent claims 2-8 and 44-46 depend from independent claim 1, dependent claims 17-23 and 47 depend from independent claim 16 and dependent claims 32-36 and 48 depend from independent claim 31. Independent claims 1, 16 and 31 have been shown above to be allowable. Therefore, Applicants respectfully request allowance of dependent claims 2-8, 17-23, 32-36 and 44-48 as depending from an allowable base claim and as providing further distinctions over the cited reference.

35 USC 103 Rejection

Applicants respectfully traverse the rejection of claims 45 and 47-48 as obvious over McCain in view of Edison et al. (U.S. Pat. No. 5,586,305) ("Edison"). Dependent claims 45, 47, and 48 depend from independent claims 1, 16 and 31, which have been shown above to be allowable over McCain. Moreover, Edison is not relied upon by the Office Action with respect to the missing elements of independent claims 1, 16 and 31, nor does Edison teach or suggest a wireless communication link disposed between a controller and one or more field devices under control of the controller, as recited by claims 1, 16 and 31. Therefore, Applicants respectfully submit that no combination of McCain and Edison produces the systems recited by claims 45, and 47-48, and that dependent claims 45 and 47-48 are therefore allowable as depending from an allowable base claim and as defining further distinctions over the cited references. Thus, Applicants respectfully request withdrawal of this rejection and allowance of dependent claims 45 and 47-48.

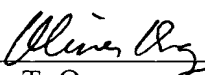
CONCLUSION

In view of the foregoing comments and remarks, it is respectfully submitted that the this application is in condition for allowance. If there is any matters that the Examiner would like to discuss, the Examiner is invited to contact the undersigned representative at the telephone number set forth below.

Respectfully submitted,

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